

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**-v-**

**CASE NO.: 2:93-CR-044(1)  
JUDGE SMITH**

**VINCENT L. WATKINS,**

*Standard Action Docket*

**Defendant.**

**ORDER ON MOTION FOR REDUCTION OF SENTENCE**

This matter is before the Court on the Defendant's Motion to Reduce Sentence, pursuant to 18 U.S.C. §3582(c)(2), in an "Agreed Disposition Case", filed December 13, 2011 (Doc. 143). In May 1993, Defendant was found guilty after a jury trial to conspiracy to possess with intent to distribute in excess of 50 grams of cocaine base, in violation of 21 U.S.C. §§ 841(a)(1) and 846. Defendant was originally sentenced on September 15, 1993 to life imprisonment based on a total offense level of 44 and a criminal history IV.

On November 1, 2010, as part of the congressional directive embedded in the Fair Sentencing Act of 2010, the United States Sentencing Commission promulgated Guideline Amendment 748 which calibrated the crack cocaine guidelines of §2D1.1 to an 18:1 ratio. On June 30, 2011, the Commission promulgated Guideline Amendment 750 which effectively amended U.S.S.G. §1B1.10 to authorize the retroactive application of Guideline Amendment 748 to all defendants who are serving crack sentences as long as they meet certain eligibility criteria.

Counsel for the Defendant, for the Government, and representatives of the United States Probation Officer met to consider the merits of Defendant's case. All agreed to recommend that Defendant Watkins has met the Commission's eligibility requirements for the retroactive application of Guideline Amendment 748 to his case. After the November 1, 2010 crack amendment is retroactively applied to Defendant's case, Defendant, through counsel seeks a reduction in his base offense level from a 43 to a 40. Combining with his criminal history of IV, the new advisory guideline range is 360 months to life imprisonment. The parties jointly recommend that the Court reduce Defendant's sentence to 360 months.

Whether to grant a reduction of sentence pursuant to §3582(c)(2) is within the discretion of the court. *United States v. Ursery*, 109 F.3d 1129, 1137 (6<sup>th</sup> Cir. 1997). In considering whether a reduced sentence is appropriate, this court must consider the factors in 18 U.S.C. §3553(a) to the extent that they are applicable. *See* §3582(c)(2).

Upon consideration of Defendant's motion, the statutory sentencing factors set forth in §3553(a), and the joint recommendation of the parties, the Court concludes that a reduction of Defendant's term of incarceration is appropriate in light of the reduction in the applicable guideline range. The Court has carefully reviewed this case as Defendant Watkins was not eligible under the previous reduction in 2007. Under the 2010 amendment, the amount of kilos of crack cocaine has increased so Defendant is now eligible. The Court has consulted the Assistant United States Attorney to consider what, if any, danger this reduction would pose to the public. All parties agreed that Defendant Watkins has not been committed any offenses while incarcerated that would raise alarm. Therefore, the sentence of life imprisonment previously imposed in this case is hereby reduced to a term of incarceration of 360 months.

Except as provided above, all other provisions of the judgment previously entered in this case shall remain in effect.

Defendant has also filed a *pro se* Motion for Retroactive Application of the Sentencing Guidelines (Doc. 139) and a Motion to Appoint Counsel for purposes of this Motion (Doc. 142). Additionally, the Government filed a Motion to Stay ruling on Defendant's *pro se* Motion (Doc. 141). In light of the Court's aforementioned decision, these motions are now **MOOT**.

The Clerk shall remove Documents 139, 141, 142, and 143 from the Court's pending motion's list.

**IT IS SO ORDERED.**

/s/ George C. Smith

**GEORGE C. SMITH, JUDGE  
UNITED STATES DISTRICT COURT**

***Order Date: January 17, 2012***  
***Effective Date: January 27, 2012***